

REGULAR MEETING

BOARD OF ADJUSTMENT

Development & Business Services Center
1901 S. Alamo Street
BOARD ROOM
January 22, 2007

MEMBERS PRESENT:

D. Michael Villyard, Chair
Michael Gallagher, Vice Chair
Rene Balderas
Raymond Flores
Jesse Jenkins
Paul Klein
Laura Lizcano
Mary Rogers
Gerald Yarbrough
Henry Rodriguez
Rollete Schreckenghost

CITY STAFF PRESENT:

Chris Looney, Planning Manager
Fernando Deleon, Interim Asst. Director
David T. Arciniega, Planner II
Michael Taylor, Planner II
Jennifer Gallegos, Senior Eng. Assoc.
Ted Murphree, Assistant City Attorney II
Jon Kaplan, City Attorney III
Dolly F. Gonzalez, Admin. Secretary

"Call to Order and Invocation"

At 1:10 p.m. Mr. Villyard called the meeting to order and Ms. Rogers presented the invocation.

Pledge of Allegiance to the United States and Texas Flags.

CASE NO. A-07-005

Applicant – Tinu and Rina Patel

That part of a 0.4738 acre tract comprised of Lot 6 and the west part of Lot 7, Block 3, NCB 3122, that is zoned R-4 RIO-4

600 Roosevelt Avenue

Zoned "R-4 RIO-4" Residential Single-Family River Improvement Overlay-4 District

The applicant was requesting a Special Exception, as required in the Unified Development Code, to allow a noncommercial parking lot in a single-family residential district.

Mr. Arciniega presented background and Staff's recommendation of approval of this request for a 4- year term provided the applicant meet the requirements as set forth in section 35-399.02 of the U.D.C. Staff further recommended the parking lot not be allowed to operate at night.

There were 27 notices mailed, 0 were returned in favor and 6 were returned in opposition.

A discussion ensued regarding the non-commercial parking lot requirements and the requested use of the lot.

Tinu Patel of 542 North East Loop 410 explained his request. He said he tried to rezone in 2001 but the request was denied. They are now trying to receive a non-commercial parking lot. He said that there are several commercial uses along Roosevelt Avenue. He said he hopes to generate overflow tourist for his hotel. His hotel will have 20 units in a 2-story building. They will rent the rooms daily and weekly only. He also stated that his re-zoning request was denied because there was not sufficient room and the neighbors did not want a hotel in the area. As for meeting the fence requirement, he said it would be hard to put a gate around the parking because the dumpster needs to be accessible for pick up. Regarding the limitation of parking between the hours of 7 p.m. and 7 a.m., he said that he did not fully understand that.

Villyard clarified that the Board has the authority to approve the request outside of the hours of 7 p.m. and 7 a.m.

FAVOR

NONE

OPPOSED

Francisco Pancho Gonzalez of 121 Loretta spoke in opposition and submitted photographs of area businesses; "bars and other motels that do not generate tourists".

Rosalinda Johnston of 102 Yellowstone spoke in opposition. She was concerned that the already narrow street would become more congested and difficult for EMS to get through to the homes of many of the elderly residents. She also was afraid of the type of business that would be generated at this motel.

Robert Johnston of 102 Yellowstone spoke in opposition and submitted a petition against the request.

Daniel Chavez of 106 Yellowstone spoke in opposition and said that they are already infested with prostitution in the area and do not want a motel in the area.

Jason Stevens of 536 Roosevelt said he is aware of the parking issue at hand but is in opposition to the request. He said the neighborhood has come together to try and revitalize the neighborhood. And although there are other motels in the area, they do not attract tourist clientele.

Daryl Olenbush of 612 Labor Street said that the immediate neighbor to the east of the property in question could not attend the meeting but they are very concerned about being next door to a 24-hour business and the beer bottles and trash that will be left next to her home.

Martha Henry of 216 Yellowstone spoke in opposition and stated that if a parking lot is placed there, she is worried that the patrons from the bar may try to use it at night. Also exiting the parking lot from Haynes Street, which is very narrow, could cause problems with emergency vehicles that need to get through.

Marisol Chavez of 106 Yellowstone also spoke in opposition.

Mr. Arciniega advised the Board that the neighbor next door to the property in question submitted a letter of opposition to the parking lot because it would be next to her home.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-07-005 closed.

RESULTS:

The request failed due to lack of a motion.

CASE NO. A-07-007

Applicant – City of San Antonio
Lot 16, Block 3, NCB 16504

0 State Highway 151

Zoned: "C-3NA GC-2 MAOZ-1" General Commercial Non Alcoholic Sales Highway 151 Gateway Corridor Military Airport Overlay Zone District and "I-1 GC-2 MAOZ-1" General Industrial Highway 151 Gateway Corridor Military Airport Overlay Zone District

The applicant was requesting a 2-foot variance from the Unified Development Code requirement that predominantly open fences in front yards be no taller than 4 feet, in order to erect a 6-foot tall predominantly open, painted galvanized steel fence in the front yard.

Mr. Taylor presented background and Staff's recommendation of approval on this case because the Animal Care facility sits at a lower grade than the access road from State Hwy 151 and because the taller fence would protect the safety of the public. Additionally, there are no clear vision concerns.

There were 3 notices mailed, 0 were returned in favor and 0 were returned in opposition.

Dale Lane, City Architect for the project said that their concern is that the animals could get out and into the highway. He showed a drawing of the proposed fence.

FAVOR

None

OPPOSED

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RESULTS:

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-07-007 closed.

MOTION made by Mr. Gallagher, "I move that the Board of Adjustment in Appeal A-07-007 in requesting a 2-foot variance from the Unified Development Code requirement that predominantly open fences in front yards be no taller than 4 feet, in order to erect a 6-foot tall predominantly open, painted galvanized steel fence in the front yard, **grant the applicant's request** because the testimony presented to us and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship." "Such variance will not be contrary to the public interest, in that": With the difference in elevation, a 4-foot tall fence would not provide sufficient screening between the ACS Facility and the roadway. "Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship" in that: This screening is necessary both for the comfort of the public visiting the ACS Facility and the safety of the motorist who may otherwise be distracted by the activities of the facility. And "So that the spirit of the ordinance is observed and substantial justice is done" in that: This requirement would be necessary. "Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located" in that: A taller fence than what is normally allowed is necessary to protect the safety of the public. "Such variance will not substantially or permanently injure the district in which the variance is sought" in that: The Zoonosis Control Staff along with the Texas Department of State Health Services recommend that a 6-foot tall fence be erected along the perimeter of this facility because many medium and large size dogs can easily scale a 4-foot tall fence. "Such variance will not alter the essential character of the district in which the variance is sought" in that: There are other fences in the area that are of the same height. "Such variance will be in harmony with the spirit and purposes of this chapter" in that: The proximity of the facility to State Highway 151 would allow a runaway dog easy access to the roadway where a loose dog would present a

significant safety hazard to passing motorists. "The plight of the property owner for which the variance is sought is due to unique circumstances existing on the property and not personal in nature or self-created, and are not merely financial, and are not due to or the result of the general conditions in the district in which the property is located" in that: The proximity of the facility to State Hwy 151 would allow a runaway dog easy access to the roadways in that area. "The variance will not substantially weaken the general purposes of this chapter or the regulations herein established for the specified district" in that: We are considering only this one facility. "The variance will not adversely affect the public health, safety or welfare of the public" in that: It is because this fence will be higher that it will actually help to improve the safety in that area. Motion seconded by Mr. Klein.

ROLL CALL VOTE: Mr. Gallagher, Mr. Klein, Ms. Lizcano, Ms. Rogers, Mr. Yarbrough, Mr. Rodriguez, Ms. Schreckenghost, Mr. Balderas, Mr. Flores, Mr. Jenkins, Mr. Villyard. **The variance was granted unanimously.**

"Approval of the minutes from the regular meetings on January 23, 2006 and June 5, 2006"

Mr. Gallagher moved to approve the minutes of January 23rd and June 5th, 2006, Ms. Rogers seconded the motion and all members present voted in the affirmative.

"Staff Report"

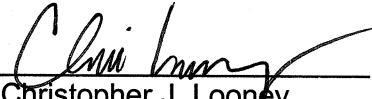
NONE

"Executive Session"

NONE

There being no further discussion, meeting adjourned.

APPROVED BY:  DATE: Feb 5, 2007 OR Michael Gallagher, Vice-Chair
D. Mike Villyard, Chairman

ATTESTED BY:  DATE: 2-5-07
Christopher J. Looney
Development Services, Planning Manager